

A Guide to the **CONSUMER BILL OF RIGHTS**
FOR MOTORISTS in the State of Illinois

Some important things to know when having your
damaged vehicle repaired

*The information to follow has been prepared by Automotive Service
Professionals of Illinois as a public service to consumers.*

*Readers are cautioned that this information is provided only as a guide to the
general principles involved in lien laws.*

You should consult your own attorney for specific legal advice or opinions.

Must I obtain three estimates?

No one can tell you to obtain more than one estimate. You, as the vehicle owner, however, may do so should this be your desire.

*Do I have to take my vehicle to an insurance company drive-in claims
facility for an estimate?*

You are not required to take your vehicle to a drive-in claims facility. It is your right as the vehicle owner to obtain an estimate wherever you choose. You are only required to notify your insurance company of the vehicle's location so that it may be examined by the claims adjuster. However, if you have already gone to a drive-in claims facility, make sure you take a copy of the insurance adjuster's estimate with you when obtaining repair shop estimates and choosing a facility to repair your vehicle.

*If I go to an insurance company's drive-in claims facility, do I have to
take my vehicle to one of its preferred shops for repair?*

There are no laws or regulations requiring you to go to any specific repair shop, however, some insurance companies practice the policy of only paying for vehicle damages equal to the estimate amount prepared at one of its preferred shops. However, keep in mind that you are the vehicle owner. Don't let your insurance company take away your freedom of choice!

*Am I required to notify my insurance company before repairs being
on my vehicle?*

YES. Your insurance policy requires you to notify your insurance company and make a claim report. Once a claim report has been made, you may proceed to leave your vehicle at the repair facility of your choice and notify the insurance company claim representative or adjuster where your damaged vehicle may be inspected. Once a claim representative or adjuster has had an

opportunity to inspect your vehicle, you may authorize repairs to begin.

Who is responsible for the guarantee of workmanship and safety of my automobile repairs...the insurance company or the repair shop?

The repair shop, and in limited circumstances, your insurance company. Your insurance company is not accepting the liability for the quality and safety of your vehicle's repair. Therefore, you and you alone must control the fate of your vehicle's repair by choosing a proper facility that is adequately trained and equipped to restore your vehicle to its **pre-accident** condition. You have the legal right and authority to do so.

What should I look for when choosing a facility to repair my vehicle?

Referrals from other satisfied customers is a start. The shop owner/manager should be willing to take you around the shop to give you a first hand view of the equipment and procedures being used. Also, ask for evidence of employee training and certification. Notice the attitude and commitment of the shop owner/manager towards a quality restoration of your vehicle to its **pre-accident** condition. Also, note that all motor vehicle repairers and rebuilders in the State are required by the Secretary of State to have a state repairers license posted as per Section 5-301 of the Illinois Vehicle Code. Illinois law requires that insurance companies may not do business with any automotive repair facility not licensed by the Secretary of State.

Can my insurance company authorize a repair shop to start repairs on my vehicle without my consent?

NO...Only the vehicle owner may authorize repairs. You must be presented with an estimate to know what is being repaired on your vehicle before repairs are started. Additionally, Illinois requires written estimates on repairs.

Who is responsible for payment to the repair shop...the insurance company or me?

You are. Your insurance policy contract states that your insurance company will pay for the damages to your vehicle, less the deductible amount. You may instruct your insurance company to pay directly to the repair shop of your choice, however, full payment must be arranged prior to your vehicle being picked up.

My insurance company does not agree with my repair facility on how my vehicle should be repaired or what it should cost...what can I do?

Most insurance policy contracts contain an appraisal clause. When the insurance company and the customer fail to agree, either party may demand an appraisal of loss within 60 days after the claim has been filed. Each party may then select a competent appraiser to represent them, and the two appraisers will select a competent and disinterested umpire. If the two appraisers do not agree, they submit their findings to the umpire. A decision by the umpire which agrees with either appraiser will determine the amount of loss.

I am having a problem with my insurance company. Can the State

Insurance Director's office help me?

Yes, but the Director's authority is limited. Keep in mind that the insurance director has no judicial authority to determine negligence or establish the value of a loss or injury.

Another driver damaged my car by his own negligence. What differences are there between having my own Insurance company pay for the repairs and having that driver (or his insurance company) pay for them?

As the former Director of the Illinois Department of Insurance said, "There is a marked legal difference between an insured and a claimant when filing a claim with an insurance company. The difference is between "contract" and "tort" theories of liability and the benefits and drawbacks associated with each. An attorney can give you a full explanation of your rights and obligations before you decide how to pursue a particular claim.

Safety, Quality and Cost of Repairs

If your vehicle is damaged through someone else's fault, that other person's insurance company generally cannot be held directly responsible for the quality or safety of repairs done on your car. The standard measure of damages is the "reasonable" cost of necessary repairs. Therefore, select a repair facility that understands its obligations to you, its customer, and exercise caution when someone tells you that the repairs can be performed "cheaper" somewhere else. Keep in mind, as the owner, you have the right to choose the repair methods best suited to restore your vehicle.